

ARKANSAS SUPREME COURT

No. CR 08-14

WALTER A. McCULLOUGH
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered February 28, 2007

PRO SE MOTION TO STAY
[CIRCUIT COURT OF CRAIGHEAD
COUNTY, WESTERN DISTRICT,
CR 2004-820, HON. VICTOR L. HILL,
JUDGE]

MOTION MOOT.

PER CURIAM

A jury found petitioner Walter A. McCullough guilty of a terroristic act and first-degree battery and sentenced him to an aggregate term of 960 months' imprisonment in the Arkansas Department of Correction. The Arkansas Court of Appeals affirmed the judgment. *McCullough v. State*, CACR 05-1183 (Ark. App. 2006). Petitioner filed a petition for postconviction relief under Ark. R. Crim. P. 37.1, which was denied by the trial court.

Petitioner did not lodge the record in this court within the time required for an appeal and he filed a motion requesting this court to allow him to proceed with the appeal. We issued an opinion that denied the motion. *McCullough v. State*, CR 08-14 (Ark. February 28, 2008). After the matter had been submitted, petitioner filed the motion to stay the matter that is now before us. Because the previous motion was denied and no appeal is pending, the motion to stay is moot.

Motion moot.